

Conference Engrossed

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
Second Regular Session  
2002

CHAPTER 318

## HOUSE BILL 2032

AN ACT

AMENDING TITLE 3, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 18; AMENDING SECTION 11-254.05, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 136, SECTION 1; AMENDING SECTIONS 11-821 AND 11-824, ARIZONA REVISED STATUTES; REPEALING SECTION 41-511.15, ARIZONA REVISED STATUTES; AMENDING SECTION 41-2501, ARIZONA REVISED STATUTES; RELATING TO OPEN SPACE LAND CONSERVATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 3, Arizona Revised Statutes, is amended by adding chapter 18, to read:

CHAPTER 18

ARIZONA AGRICULTURAL PROTECTION ACT

ARTICLE 1. GENERAL PROVISIONS

3-3301. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "AGRICULTURAL EASEMENT" MEANS A CONSERVATION EASEMENT THAT IS ESTABLISHED PURSUANT TO TITLE 33, CHAPTER 2, ARTICLE 4 AND THAT IS CREATED TO SATISFY THE PURPOSES ESTABLISHED BY SECTION 3-3302.

2. "COMMISSION" MEANS THE ARIZONA AGRICULTURAL PROTECTION COMMISSION.

3. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF AGRICULTURE.

4. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

3-3302. Agricultural easements; purpose; program termination

A. THE PURPOSE OF THIS CHAPTER IS TO ENABLE AND FACILITATE THE ESTABLISHMENT OF AGRICULTURAL EASEMENTS.

B. AN AGRICULTURAL EASEMENT THAT IS ESTABLISHED PURSUANT TO THIS ARTICLE IMPOSES LIMITATIONS OR AFFIRMATIVE OBLIGATIONS REGARDING THE TYPES OF ACTIVITIES THAT ARE PERMITTED OR PROHIBITED ON THE LAND. THESE ACTIVITIES SHALL BE NEGOTIATED ON A CASE-BY-CASE BASIS BUT MUST BE CONSISTENT WITH THE PURPOSE OF CONSERVING FARM LAND OR RANCH LAND OR THE LOCAL PRODUCTION OF FOOD AND FIBER PLUS AT LEAST ONE OF THE FOLLOWING PURPOSES:

1. CONSERVATION OF OPEN SPACE.

2. CONSERVATION OF NATIVE SPECIES AND THEIR HABITAT.

3. CONSERVATION OF LARGE TRACTS OF UNDEVELOPED LAND.

C. PURSUANT TO SECTION 41-3102, THE PROGRAM ESTABLISHED BY THIS CHAPTER ENDS ON JULY 1, 2012.

3-3303. Arizona agricultural protection commission; report

A. THE ARIZONA AGRICULTURAL PROTECTION COMMISSION IS ESTABLISHED WITHIN, AND AS AN ADVISORY BODY TO, THE DEPARTMENT CONSISTING OF:

1. THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(a) TWO MEMBERS WHO OPERATE FAMILY FARMS OR RANCHES IN THIS STATE AND WHO ARE ACTIVE IN REGIONAL OR LOCAL AGRICULTURAL ORGANIZATIONS.

(b) ONE MEMBER FROM A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS AND WHO HAS EXPERIENCE IN RANGE ECOLOGY.

(c) TWO MEMBERS WHO REPRESENT REGIONAL OR STATEWIDE CONSERVATION ORGANIZATIONS IN THIS STATE THAT HAVE BEEN IN OPERATION FOR AT LEAST TEN YEARS.

2. THE FOLLOWING MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE:

(a) TWO MEMBERS WHO OPERATE FAMILY FARMS OR RANCHES IN THIS STATE.

(b) ONE MEMBER WHO REPRESENTS A REGIONAL OR STATEWIDE LAND TRUST THAT HAS BEEN IN OPERATION FOR AT LEAST FIVE YEARS.

(c) ONE MEMBER WHO IS A MEMBER OF A COUNTY BOARD OF SUPERVISORS.

1 (d) ONE MEMBER WHO IS A MEMBER OF A NATURAL RESOURCE CONSERVATION  
2 DISTRICT BOARD OF DIRECTORS.

3 3. THE FOLLOWING MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF  
4 REPRESENTATIVES:

5 (a) TWO MEMBERS WHO ARE LICENSED REAL ESTATE PROFESSIONALS AND ARE  
6 ACTIVE IN MARKETING AGRICULTURAL PROPERTIES.

7 (b) ONE MEMBER WHO IS ACTIVE IN AND REPRESENTS A STATEWIDE  
8 AGRICULTURAL ORGANIZATION IN THIS STATE THAT HAS BEEN IN EXISTENCE FOR AT  
9 LEAST TEN YEARS.

10 (c) ONE MEMBER WHO IS ACTIVE IN MANAGING WATER RESOURCES.

11 (d) ONE MEMBER WHO IS A MEMBER OF THE STATE BAR OF ARIZONA AND WHO IS  
12 EXPERIENCED IN THE PRACTICE OF PRIVATE REAL ESTATE LAW.

13 4. THE DIRECTOR OF THE DEPARTMENT AS AN EX OFFICIO MEMBER.

14 B. TO SERVE ON THE COMMISSION, A PERSON MUST BE A RESIDENT OF THIS  
15 STATE AND HAVE DEMONSTRATED AN INTEREST IN THE CONSERVATION OF NATURAL OR  
16 AGRICULTURAL RESOURCES. THE INITIAL MEMBERS SHALL ASSIGN THEMSELVES BY LOT  
17 TO TERMS OF ONE, TWO AND THREE YEARS IN OFFICE. THEREAFTER, ALL SUBSEQUENT  
18 MEMBERS SERVE THREE YEAR TERMS OF OFFICE, EXCEPT THAT A MEMBER MAY CONTINUE  
19 TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND ASSUMES OFFICE. ON REQUEST,  
20 APPOINTIVE MEMBERS ARE ELIGIBLE TO RECEIVE COMPENSATION PURSUANT TO SECTION  
21 38-611 AND ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38,  
22 CHAPTER 4, ARTICLE 2. COMPENSATION AND REIMBURSEMENT COSTS ARE PAYABLE FROM  
23 THE ARIZONA AGRICULTURAL PROTECTION FUND.

24 C. THE COMMISSION SHALL:

25 1. RECOMMEND TO THE DIRECTOR FOR THE ADOPTION OF RULES NECESSARY TO  
26 PERFORM ITS DUTIES.

27 2. ADVISE THE DEPARTMENT WITH RESPECT TO GRANTS AWARDED AND CONTRACTS  
28 ENTERED INTO PURSUANT TO THIS CHAPTER.

29 3. SOLICIT AND ACCEPT DONATIONS TO THE ARIZONA AGRICULTURAL PROTECTION  
30 FUND, INCLUDING DONATIONS FOR THE SOLE PURPOSE OF ADMINISTERING THE ARIZONA  
31 AGRICULTURAL PROTECTION PROGRAM UNDER THIS ARTICLE.

32 4. ELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM ITS MEMBERS EACH  
33 YEAR.

34 5. PREPARE AN ANNUAL REPORT OF ITS ACTIVITIES AND SUBMIT A COPY OF THE  
35 REPORT TO THE DIRECTOR AND ANY MEMBER OF THE PUBLIC WHO REQUESTS A COPY.

36 6. ADVISE THE DIRECTOR AND SUBMIT RECOMMENDATIONS RELATING TO THE  
37 MONITORING OF AGRICULTURAL EASEMENTS ESTABLISHED PURSUANT TO THIS CHAPTER.

38 D. THE COMMISSION MAY:

39 1. ACCEPT, USE AND DISPOSE OF APPROPRIATIONS, GIFTS AND GRANTS OF  
40 MONIES, OTHER PROPERTY AND SERVICES FROM ANY SOURCE FOR THE PURPOSES  
41 AUTHORIZED BY THIS CHAPTER.

42 2. PERFORM ANY OTHER ACTS CONSISTENT WITH AND NECESSARY TO CARRY OUT  
43 THE PURPOSES OF THIS CHAPTER.

1           3-3304. Arizona agricultural protection fund

2           A. THE ARIZONA AGRICULTURAL PROTECTION FUND IS ESTABLISHED. THE  
3 DIRECTOR SHALL ADMINISTER THE FUND.

4           B. THE DIRECTOR MAY ACCEPT ANY GIFTS, GRANTS OR DONATIONS FOR DEPOSIT  
5 IN THE FUND.

6           C. ON NOTICE FROM THE DIRECTOR, THE STATE TREASURER SHALL INVEST AND  
7 DIVEST MONIES IN THE FUND AS PROVIDED BY SECTION 35-313, AND MONIES EARNED  
8 FROM INVESTMENT SHALL BE CREDITED TO THE FUND. MONIES IN THE FUND ARE EXEMPT  
9 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS.

10          D. THE DIRECTOR MAY USE MONIES FROM THE FUND FOR:

11           1. REIMBURSING OR ADVANCING MONIES TO PERSONS PURSUANT TO SECTION  
12 3-3307.

13           2. PURCHASING AGRICULTURAL EASEMENTS BY A QUALIFIED EASEMENT HOLDER.

14           3. PAYING AGRICULTURAL EASEMENT TRANSACTION COSTS.

15           4. MONITORING AND ENFORCING COSTS BORNE BY THE EASEMENT HOLDER.

16           5. ADMINISTRATIVE COSTS, WHICH SHALL NOT EXCEED FIVE PER CENT OF THE  
17 AMOUNT DEPOSITED IN THE FUND IN THE FISCAL YEAR OR SEVENTY-FIVE THOUSAND  
18 DOLLARS, WHICHEVER IS GREATER.

19          E. GRANTS MADE PURSUANT TO THIS ARTICLE ARE EXEMPT FROM TITLE 41,  
20 CHAPTER 23.

21           3-3305. Qualifying applicants for funding agricultural easement  
22 proposal

23          A. THE DIRECTOR SHALL GRANT MONIES FROM THE ARIZONA AGRICULTURAL  
24 PROTECTION FUND TO ACQUIRE AGRICULTURAL EASEMENTS IN PERPETUITY OR FOR A  
25 RENEWABLE TERM OF AT LEAST TWENTY-FIVE YEARS. THE GRANTS MAY BE MADE ONLY  
26 TO:

27           1. AN AGENCY OR INSTRUMENTALITY OF THIS STATE.

28           2. A POLITICAL SUBDIVISION OF THIS STATE OR AN AGENCY OR  
29 INSTRUMENTALITY OF A POLITICAL SUBDIVISION.

30           3. A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME  
31 TAXATION UNDER SECTION 501(c) OF THE INTERNAL REVENUE CODE AND THAT HAS THE  
32 PURPOSE OF PRESERVING AGRICULTURE, OPEN SPACE OR NATURAL RESOURCES.

33          B. THE DIRECTOR MAY NOT GRANT MONIES TO PURCHASE OR ACQUIRE ANY RIGHT  
34 TO PROPERTY BY EMINENT DOMAIN.

35           3-3306. Application process

36          A. THE DEPARTMENT SHALL ESTABLISH A PROCEDURE FOR SUBMITTING  
37 APPLICATIONS AND GRANTING MONIES EACH YEAR FROM THE ARIZONA AGRICULTURAL  
38 PROTECTION FUND CONSISTENT WITH THE REQUIREMENTS AND GUIDELINES OF THIS  
39 ARTICLE. PRIORITY SHALL BE GIVEN TO FUNDING PROJECTS FOR WHICH MATCHING  
40 MONIES OR ASSETS OF COMPARABLE VALUE, INCLUDING IN-KIND DONATIONS, WILL BE  
41 PROVIDED BY OTHER SOURCES.

42          B. THE APPLICANT SHALL SUBMIT THE APPLICATION TO THE COMMISSION, WITH  
43 A COPY TO THE DEPARTMENT. THE COMMISSION SHALL EVALUATE THE APPLICATION AND  
44 SUBMIT ITS RECOMMENDATIONS TO THE DEPARTMENT CONSISTENT WITH THE REQUIREMENTS

1 OF THIS ARTICLE. THE APPLICANT SHALL SUBMIT THE FOLLOWING INFORMATION AS  
2 PART OF THE APPLICATION FOR FUNDING AN AGRICULTURAL EASEMENT PROPOSAL:

3 1. THE NAME OF ALL OWNERS OF TITLE TO AND INTERESTS IN THE LAND  
4 PROPOSED FOR THE AGRICULTURAL EASEMENT, INCLUDING:

5 (a) THE HOLDERS OF ANY MORTGAGES, DEEDS OF TRUST AND OTHER SECURITY  
6 INTERESTS IN THE LAND.

7 (b) THE HOLDERS OF ANY OTHER EASEMENTS ON OR ACROSS THE LAND.

8 (c) ANY LESSEES, HOLDERS OF MINERAL RIGHTS OR OTHER PERSONS WHO HAVE  
9 AN INTEREST IN THE USE, OCCUPANCY OR ACCESS TO THE LAND.

10 2. A LEGAL DESCRIPTION OF THE LAND.

11 3. THE NAME OF THE PROPOSED EASEMENT HOLDER.

12 4. THE TOTAL COST OF THE PROPOSED AGRICULTURAL EASEMENT, INCLUDING:

13 (a) THE AMOUNT PROPOSED TO BE FUNDED BY A GRANT FROM THE ARIZONA  
14 AGRICULTURAL PROTECTION FUND.

15 (b) THE AMOUNT, SOURCE AND NATURE OF ALL OTHER CONSIDERATION, IF  
16 APPLICABLE, INCLUDING CASH DONATIONS, GRANTS, GIFTS, DEBT FINANCING, IN-KIND  
17 DONATIONS, EXCHANGES AND SERVICES.

18 5. A DESCRIPTION OF HOW THE PROPOSED AGRICULTURAL EASEMENT MEETS THE  
19 PURPOSES LISTED IN SECTION 3-3302 AND WHICH OF THOSE CRITERIA THE PROPOSED  
20 EASEMENT ADDRESSES.

21 6. ANY OTHER INFORMATION THAT THE COMMISSION OR THE DEPARTMENT  
22 CONSIDERS NECESSARY TO ADEQUATELY EVALUATE THE APPLICATION.

23 C. IN ADDITION TO THE INFORMATION PRESCRIBED BY SUBSECTION B OF THIS  
24 SECTION, THE APPLICANT SHALL ALSO SUBMIT:

25 1. A COPY OF THE DOCUMENT CREATING THE PROPOSED EASEMENT.

26 2. IF THE PROPOSED EASEMENT HOLDER IS A PRIVATE NONPROFIT  
27 ORGANIZATION:

28 (a) NOTIFICATION THAT THIS STATE HOLDS THE SECOND POSITION ON THE  
29 EASEMENT AGREEMENT. FOR PURPOSES OF THIS SUBDIVISION, HOLDING THE SECOND  
30 POSITION ON AN AGRICULTURAL EASEMENT AUTHORIZES THIS STATE TO ENFORCE THE  
31 EASEMENT PROVISIONS IF THE QUALIFIED EASEMENT HOLDER FAILS TO DO SO.

32 (b) A STATEMENT OF THE SPECIFIC DUTIES OF THE EASEMENT HOLDER TO THIS  
33 STATE.

34 D. THE COMMISSION SHALL:

35 1. PROVIDE FOR PUBLIC INVOLVEMENT REGARDING THE APPLICATIONS SUBMITTED  
36 TO THE COMMISSION.

37 2. NOTIFY ANY PERSON WHO REQUESTS NOTICE OF APPLICATIONS SUBMITTED  
38 PURSUANT TO THIS SECTION.

39 3. PROVIDE A REASONABLE OPPORTUNITY FOR COMMENT ON THE APPLICATIONS  
40 FOR A PERIOD OF AT LEAST FORTY-FIVE DAYS.

41 4. CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.

42 5. SUBMIT ITS RECOMMENDATIONS TO THE DIRECTOR WITH SUPPORTING FINDINGS  
43 AND ANALYSES.

1 E. THE DIRECTOR SHALL DEVELOP A MEDIATION PROGRAM TO RESOLVE DISPUTES  
2 BETWEEN LANDOWNERS AND THE HOLDER OF ANY OF THE AGRICULTURAL EASEMENTS  
3 ACQUIRED UNDER THIS CHAPTER.

4 3-3307. Criteria for awarding grants

5 THE DIRECTOR SHALL ADOPT GUIDELINES THAT ESTABLISH THE CRITERIA AND  
6 POLICIES FOR GRANTING MONIES FOR ACQUIRING AGRICULTURAL EASEMENTS ESTABLISHED  
7 PURSUANT TO THIS CHAPTER. WITH RESPECT TO EACH APPLICATION, THE COMMISSION  
8 MUST CONSIDER EACH, BUT THE PROPOSAL IS NOT REQUIRED TO MEET ALL, OF THE  
9 FOLLOWING:

10 1. IMPORTANT NATURAL, CULTURAL OR PUBLIC VALUES FOUND ON THE FARM  
11 LANDS OR RANCH LANDS.

12 2. THE POSSIBILITY OF CONVERSION OF THE PROPERTY FROM TRADITIONAL  
13 AGRICULTURAL USE.

14 3. POSITIVE IMPACTS ON LONG-TERM AGRICULTURAL PRODUCTIVITY AND  
15 PERPETUATION.

16 4. LANDSCAPE AND WATERSHED INTEGRITY TO CONSERVE WATER QUALITY AND  
17 NATURAL RESOURCES.

18 5. HABITATS FOR NATIVE SPECIES, INCLUDING HABITATS FOR IMPORTANT, RARE  
19 OR SENSITIVE SPECIES.

20 6. POTENTIAL FOR LEVERAGING STATE MONIES ALLOCATED TO THE PROGRAM WITH  
21 ADDITIONAL PUBLIC OR PRIVATE MONIES.

22 7. PROVISIONS FOR COMPENSATING LANDOWNERS WHO AGREE TO ALLOW PUBLIC  
23 ACCESS ON THE AGRICULTURAL EASEMENT, BUT AN AGREEMENT TO ALLOW PUBLIC ACCESS  
24 IS NOT A REQUIREMENT FOR AN AGRICULTURAL EASEMENT AND DOES NOT AFFORD HIGHER  
25 FUNDING PRIORITY.

26 3-3308. Terms of agricultural easement

27 A. THE DIRECTOR SHALL ENSURE THAT THE AGRICULTURAL EASEMENT PROHIBITS  
28 ACTIVITIES THAT ARE INCONSISTENT WITH THE PRESERVATION OF OPEN SPACE AND THE  
29 LOCAL PRODUCTION OF FOOD AND FIBER. THE DIRECTOR SHALL MONITOR AGRICULTURAL  
30 EASEMENTS ESTABLISHED PURSUANT TO THIS CHAPTER BASED ON RECOMMENDATIONS  
31 RECEIVED FROM THE COMMISSION.

32 B. THE EASEMENT HOLDER AND THE LANDOWNER MAY NEGOTIATE AND INCLUDE THE  
33 FOLLOWING CONSIDERATIONS IN THE AGRICULTURAL EASEMENT:

34 1. LUMP SUM OR ANNUAL CASH PAYMENTS.

35 2. A PERPETUAL OR RENEWABLE TERM EASEMENT.

36 3. LONG-TERM CONTRACT SECURITY PROVISIONS.

37 4. RETENTION OF LIMITED RESIDENTIAL DEVELOPMENT RIGHTS BY THE  
38 LANDOWNER THAT MUST BE CONSISTENT WITH THE SPECIFIC CONDITIONS OF THE  
39 AGRICULTURAL EASEMENT AGREEMENT AND WITH THE PURPOSES PRESCRIBED BY THIS  
40 ARTICLE. THE RETAINED LIMITED RESIDENTIAL DEVELOPMENT RIGHTS SHALL NOT  
41 EXCEED TEN PER CENT OF THE LAND SUBJECT TO THE EASEMENT.

1       Sec. 2. Section 11-254.05, Arizona Revised Statutes, as added by Laws  
2 2002, chapter 136, section 1, is amended to read:

3       11-254.05. Purchase or lease of development rights; definition

4       A. The board of supervisors, by resolution, may purchase or lease the  
5 development rights of private land in the county with monies from the  
6 ~~development rights retirement fund, established by section 41-511.15, or from~~  
7 any other public or private source EXCEPT FOR COUNTY DEVELOPMENT FEES  
8 COLLECTED PURSUANT TO SECTION 11-1102. The board may not exercise the power  
9 of eminent domain to acquire development rights but may acquire development  
10 rights only from willing property owners.

11       B. Development rights may be acquired only for the following purposes:

12       1. To establish buffer zones from developing urban areas.

13       2. To preserve habitat or open space.

14       3. To sustain the culture and heritage of agriculture and ranching  
15 activities in the county.

16       4. To preserve archaeological resources or historic properties.

17       5. To implement a plan to comply with the requirements of the  
18 endangered species act of 1973 (~~P.L.~~ 205 P.L. 93-205; 87 Stat. 884; 16 United  
19 States Code sections 1531 through 1599).

20       C. The board shall:

21       1. Determine that the potential seller or lessor of the development  
22 rights ~~is~~ AND ANY ADJOINING PROPERTY OWNERS ARE fully informed as to the  
23 effects and consequences on the value of the land.

24       2. Hold a public hearing before adopting any resolution to acquire  
25 development rights.

26       3. In the case of a purchase of development rights, agree in  
27 perpetuity not to exercise the development rights and require the seller to  
28 agree that the land shall remain as open space.

29       4. In the case of a lease of development rights, agree not to exercise  
30 the development rights and require the lessor to agree that the land shall  
31 remain as open space for the term of the lease. The term of the lease must  
32 be at least twenty-five years.

33       5. In all cases, purchase or lease the development rights at no less  
34 than market value.

35       D. ANY PROPERTY ADJOINING LAND WITH DEVELOPMENT RIGHTS ACQUIRED  
36 PURSUANT TO THIS SECTION SHALL NOT HAVE ITS USE OR DESIGNATION IMPAIRED BY  
37 THE ACQUISITION OF THE DEVELOPMENT RIGHTS FOR THE ADJOINING LANDS.

38       ~~D.~~ E. For purposes of this section, "Acquire development rights"  
39 means the purchase or lease of a nonpossessory interest in real property that  
40 requires the owner of the real property to agree to conserve the land as open  
41 space or to preserve the historical, architectural, archaeological or  
42 cultural aspects of the real property in perpetuity, if purchased, or for the  
43 term of the lease, if leased.

1       Sec. 3. Section 11-821, Arizona Revised Statutes, is amended to read:  
2       11-821. County plan; definitions

3       A. The commission shall formulate and the board of supervisors shall  
4       adopt or readopt a comprehensive long-term county plan for the development  
5       of the area of jurisdiction in the manner prescribed by this article. The  
6       planning commission shall coordinate the production of the county plan with  
7       the creation of the conceptual state land use plans under title 37, chapter  
8       2, article 5.1. The county plan, with the accompanying maps, plats, charts  
9       and descriptive matter, shall show the commission's recommendations for the  
10      development of the area of jurisdiction together with the general zoning  
11      regulations. The county plan shall be made with the general purpose of  
12      guiding and accomplishing a coordinated, adjusted and harmonious development  
13      of the area of jurisdiction. In the preparation of the county plan the  
14      commission shall make surveys and studies of the present conditions and  
15      prospective future growth of the area of the jurisdiction. The planning  
16      commission shall cooperate with the state land department regarding  
17      integrating the conceptual state land use plans into the county plan. The  
18      county plan shall include provisions that identify changes or modifications  
19      that constitute amendments and major amendments to the plan.

20      B. In addition to the other matters that are required or authorized  
21      under this section and article 1 of this chapter, the county plan:

22          1. Shall provide for zoning, shall show the zoning districts  
23          designated as appropriate for various classes of residential, business and  
24          industrial uses and shall provide for the establishment of setback lines and  
25          other plans providing for adequate light, air and parking facilities and for  
26          expediting traffic within the districts.

27          2. May establish the percentage of a lot or parcel which may be  
28          covered by buildings, and the size of yards, courts and other open spaces.

29          3. Shall consider access to incident solar energy.

30          4. May provide for retirement community zoning districts.

31          5. May provide for the regulation and use of business licenses, adult  
32          oriented business manager permits and adult service provider permits in  
33          conjunction with the establishment or operation of adult oriented businesses  
34          and facilities, including adult arcades, adult bookstores or video stores,  
35          cabarets, adult live entertainment establishments, adult motion picture  
36          theaters, adult theaters, massage establishments and nude model  
37          studios. With respect to cabarets, the plan shall not conflict with specific  
38          statutory or valid regulatory requirements applicable to persons licensed to  
39          dispense alcoholic beverages, but the plan may include regulation of the age  
40          and conduct of erotic entertainers in a manner at least as restrictive as  
41          rules adopted under title 4.

42      C. In addition to the other matters that are required or authorized  
43      under this section and article 1 of this chapter, for counties having a  
44      population of more than one hundred twenty-five thousand persons according



1 to the most recent United States decennial census, the county plan shall  
2 include, and for other counties the county plan may include:

3 1. Planning for land use that designates the proposed general  
4 distribution and location and extent of uses of the land for housing,  
5 business, industry, agriculture, recreation, education, public buildings and  
6 grounds, open space and other categories of public and private uses of land  
7 appropriate to the county. The land use plan shall include:

8 (a) A statement of the standards of population density and building  
9 intensity recommended for the various land use categories covered by the  
10 plan.

11 (b) Specific programs and policies that the county may use to promote  
12 compact form development activity and locations where those development  
13 patterns should be encouraged.

14 (c) Consideration of air quality and access to incident solar energy  
15 for all general categories of land use.

16 (d) Policies that address maintaining a broad variety of land uses  
17 including the range of uses existing in the county at the time the plan is  
18 adopted, readopted or amended.

19 2. Planning for circulation consisting of the general location and  
20 extent of existing and proposed freeways, arterial and collector streets,  
21 bicycle routes and any other modes of transportation as may be appropriate,  
22 all correlated with the land use plan under paragraph 1 of this subsection.

23 3. Planning for water resources that addresses:

24 (a) The currently available surface water, groundwater and effluent  
25 supplies.

26 (b) An analysis of how the future growth projected in the county plan  
27 will be adequately served by the legally and physically available water  
28 supply or a plan to obtain additional necessary water supplies.

29 D. In addition to the other matters that are required or authorized  
30 under this section and article 1 of this chapter, for counties having a  
31 population of more than two hundred thousand persons according to the most  
32 recent United States decennial census, the county plan shall include, and for  
33 other counties the county plan may include:

34 1. Planning for open space acquisition and preservation. The open  
35 space plan shall include:

36 (a) A comprehensive inventory of open space areas, recreational  
37 resources and designations of access points to open space areas and  
38 resources.

39 (b) An analysis of forecasted needs, policies for managing and  
40 protecting open space areas and resources and implementation strategies to  
41 acquire additional open space areas and further establish recreational  
42 resources.

43 (c) Policies and implementation strategies designed to promote a  
44 regional system of integrated open space and recreational resources and a  
45 consideration of any existing regional open space plan.

1           2. Planning for growth areas, specifically identifying those areas,  
2 if any, that are particularly suitable for planned multimodal transportation  
3 and infrastructure expansion and improvements designed to support a planned  
4 concentration of a variety of uses, such as residential, office, commercial,  
5 tourism and industrial uses. The mixed use planning shall include policies  
6 and implementation strategies that are designed to:

7           (a) Make automobile, transit and other multimodal circulation more  
8 efficient, make infrastructure expansion more economical and provide for a  
9 rational pattern of land development.

10          (b) Conserve significant natural resources and open areas in the  
11 growth area and coordinate their location to similar areas outside the growth  
12 area's boundaries.

13          (c) Promote the public and private construction of timely and  
14 financially sound infrastructure expansion through the use of infrastructure  
15 funding and financing planning that is coordinated with development activity.

16          3. An environmental planning element that contains analysis, policies  
17 and strategies to address anticipated effects, if any, of plan elements on  
18 air quality, water quality and natural resources associated with proposed  
19 development under the comprehensive plan. The policies and strategies to be  
20 developed under this element shall be designed to have countywide  
21 applicability and shall not require the production of an additional  
22 environmental impact statement or similar analysis beyond the requirements  
23 of state and federal law.

24          4. A cost of development element that identifies policies and  
25 strategies that the county will use to require development to pay its fair  
26 share toward the cost of additional public facility needs generated by new  
27 development, with appropriate exceptions when in the public interest. This  
28 element shall include:

29          (a) A component that identifies various mechanisms that are allowed  
30 by law and that can be used to fund and finance additional public services  
31 necessary to serve the development, including bonding, special taxing  
32 districts, development fees, in lieu fees and facility construction,  
33 dedications and privatization.

34          (b) A component that identifies policies to ensure that any mechanisms  
35 that are adopted by the county under this element result in a beneficial use  
36 to the development, bear a reasonable relationship to the burden imposed on  
37 the county to provide additional necessary public facilities to the  
38 development and otherwise are imposed according to law.

39          E. To carry out the purposes of this article, the board may adopt  
40 overlay zoning districts and regulations applicable to particular buildings,  
41 structures and land within individual zones. For the purposes of this  
42 subsection, "overlay zoning district" means a special zoning district that  
43 includes regulations which modify regulations in another zoning district with  
44 which the overlay zoning district is combined. Overlay zoning districts and  
45 regulations shall be adopted pursuant to section 11-829. The provisions of

1 overlay zoning shall apply retroactively to authorize overlay zoning  
2 districts and regulations adopted before April 20, 1993.

3 F. The policies and strategies to be developed under these elements  
4 shall be designed to have regional applicability, and

5 G. This section does not authorize:

6 1. The imposition of dedications, exactions, fees or other  
7 requirements that are not otherwise authorized by law.

8 2. THE REGULATION OR RESTRICTION OF THE USE OR OCCUPATION OF LAND OR  
9 IMPROVEMENTS FOR RAILROAD, MINING, METALLURGICAL, GRAZING OR GENERAL  
10 AGRICULTURAL PURPOSES, IF THE TRACT CONCERNED IS FIVE OR MORE CONTIGUOUS  
11 COMMERCIAL ACRES.

12 ~~G.~~ H. For the purposes of this section:

13 1. "Adult arcade" means any place to which the public is permitted or  
14 invited and in which coin-operated or slug-operated or electronically,  
15 electrically or mechanically controlled still or motion picture machines,  
16 projectors or other image producing devices are maintained to show images  
17 involving specific sexual activities or specific anatomical areas to persons  
18 in booths or viewing rooms.

19 2. "Adult bookstore or video store" means a commercial establishment  
20 that offers for sale or rent any of the following as one of its principal  
21 business purposes:

22 (a) Books, magazines, periodicals or other printed matter,  
23 photographs, films, motion pictures, videocassettes or reproductions or  
24 slides or other visual representations that depict or describe specific  
25 sexual activities or specific anatomical areas.

26 (b) Instruments, devices or paraphernalia that are designed for use  
27 in connection with specific sexual activities.

28 3. "Adult live entertainment establishment" means an establishment  
29 that features either:

30 (a) Persons who appear in a state of nudity.

31 (b) Live performances that are characterized by the exposure of  
32 specific anatomical areas or specific sexual activities.

33 4. "Adult motion picture theater" means a commercial establishment in  
34 which for any form of consideration films, motion pictures, videocassettes,  
35 slides or other similar photographic reproductions that are characterized by  
36 the depiction or description of specific sexual activities or specific  
37 anatomical areas are predominantly shown.

38 5. "Adult oriented business" means adult arcades, adult bookstores or  
39 video stores, cabarets, adult live entertainment establishments, adult motion  
40 picture theaters, adult theaters, massage establishments that offer adult  
41 service or nude model studios.

42 6. "Adult oriented business manager" means a person on the premises  
43 of an adult oriented business who is authorized to exercise overall  
44 operational control of the business.

1           7. "Adult service" means dancing, serving food or beverages, modeling,  
2 posing, wrestling, singing, reading, talking, listening or other performances  
3 or activities conducted for any consideration in an adult oriented business  
4 by a person who is nude or seminude during all or part of the time that the  
5 person is providing the service.

6           8. "Adult service provider" or "erotic entertainer" means any natural  
7 person who provides an adult service.

8           9. "Adult theater" means a theater, concert hall, auditorium or  
9 similar commercial establishment that predominantly features persons who  
10 appear in a state of nudity or who engage in live performances that are  
11 characterized by the exposure of specific anatomical areas or specific sexual  
12 activities.

13          10. "Cabaret" means an adult oriented business licensed to provide  
14 alcoholic beverages pursuant to title 4, chapter 2, article 1.

15          11. "Discernibly turgid state" means the state of being visibly  
16 swollen, bloated, inflated or distended.

17          12. "Massage establishment" means an establishment in which a person,  
18 firm, association or corporation engages in or permits massage activities,  
19 including any method of pressure on, friction against, stroking, kneading,  
20 rubbing, tapping, pounding, vibrating or stimulating of external soft parts  
21 of the body with the hands or with the aid of any mechanical apparatus or  
22 electrical apparatus or appliance. This paragraph does not apply to:

23           (a) Physicians licensed pursuant to title 32, chapter 7, 8, 13, 14 or  
24 17.

25           (b) Registered nurses, licensed practical nurses or technicians who  
26 are acting under the supervision of a physician licensed pursuant to title  
27 32, chapter 13 or 17.

28           (c) Persons who are employed or acting as trainers for a bona fide  
29 amateur, semiprofessional or professional athlete or athletic team.

30           (d) Persons who are licensed pursuant to title 32, chapter 3 or 5 if  
31 the activity is limited to the head, face or neck.

32          13. "Nude model studio" means a place in which a person who appears in  
33 a state of nudity or who displays specific anatomical areas is observed,  
34 sketched, drawn, painted, sculptured, photographed or otherwise depicted by  
35 other persons who pay money or other consideration. Nude model studio does  
36 not include a proprietary school that is licensed by this state, a college,  
37 community college or university that is supported entirely or in part by  
38 taxation, a private college or university that maintains and operates  
39 educational programs in which credits are transferable to a college,  
40 community college or university that is supported entirely or in part by  
41 taxation or a structure to which the following apply:

42           (a) A sign is not visible from the exterior of the structure and no  
43 other advertising appears indicating that a nude person is available for  
44 viewing.

1 (b) A student must enroll at least three days in advance of a class  
2 in order to participate.

3 (c) No more than one nude or seminude model is on the premises at any  
4 time.

5 14. "Nude", "nudity" or "state of nudity" means any of the following:

6 (a) The appearance of a human anus, genitals or female breast below  
7 a point immediately above the top of the areola.

8 (b) A state of dress that fails to opaquely cover a human anus,  
9 genitals or female breast below a point immediately above the top of the  
10 areola.

11 15. "Principal business purposes" means that a commercial establishment  
12 derives fifty per cent or more of its gross income from the sale or rental  
13 of items listed in paragraph 2 of this subsection.

14 16. "Seminude" means a state of dress in which clothing covers no more  
15 than the genitals, pubic region and female breast below a point immediately  
16 above the top of the areola, as well as portions of the body that are covered  
17 by supporting straps or devices.

18 17. "Specific anatomical areas" means any of the following:

19 (a) A human anus, genitals, pubic region or a female breast below a  
20 point immediately above the top of the areola that is less than completely  
21 and opaquely covered.

22 (b) Male genitals in a discernibly turgid state even if completely and  
23 opaquely covered.

24 18. "Specific sexual activities" means any of the following:

25 (a) Human genitals in a state of sexual stimulation or arousal.

26 (b) Sex acts, normal or perverted, actual or simulated, including acts  
27 of human masturbation, sexual intercourse, oral copulation or sodomy.

28 (c) Fondling or other erotic touching of the human genitals, pubic  
29 region, buttocks, anus or female breast.

30 (d) Excretory functions as part of or in connection with any of the  
31 activities under subdivision (a), (b) or (c) of this paragraph.

32 Sec. 4. Section 11-824, Arizona Revised Statutes, is amended to read:

33 11-824. Adoption and amendment of county plan by board of  
34 supervisors; expiration and readoption

35 A. The board of supervisors may adopt the county comprehensive plan  
36 as a whole, or by successive actions adopt separate parts of the plan. The  
37 adoption or readoption of the comprehensive plan or any amendment to the plan  
38 shall be by resolution of the board.

39 B. A county comprehensive plan, with any amendments, is effective for  
40 up to ten years from the date the plan was initially adopted or until the  
41 plan is readopted or a new plan is adopted pursuant to this subsection and  
42 becomes effective. On or before the tenth anniversary of the plan's most  
43 recent adoption, the board shall either readopt the existing plan for an  
44 additional term of up to ten years or shall adopt a new county plan as  
45 provided by this article.

1 C. The adoption or readoption of, or a major amendment to, the county  
2 comprehensive plan shall be approved by the affirmative vote of at least  
3 two-thirds of the members of the board. All major amendments proposed for  
4 adoption to the comprehensive plan by the board shall be presented at a  
5 single public hearing during the calendar year the proposal is made. The  
6 adoption or readoption of a county plan, and any major amendment to a county  
7 plan, shall not be enacted as an emergency measure and is subject to  
8 referendum as provided by article IV, part 1, section 1, subsection (8),  
9 Constitution of Arizona, and title 19, chapter 1, article 4. For purposes  
10 of this subsection, "major amendment" means a substantial alteration of the  
11 county's land use mixture or balance as established in the county's existing  
12 comprehensive plan land use element for that area of the county. The  
13 county's comprehensive plan shall define the criteria to determine if a  
14 proposed amendment to the comprehensive plan effects a substantial alteration  
15 of the county's land use mixture or balance as established in the county's  
16 existing comprehensive plan land use element for that area of the county.

17 D. Upon adoption or readoption, the plan, or any part of the plan,  
18 shall be the official guide for the development of the area of jurisdiction.

19 E. Any change, amendment, extension or addition of the county plan may  
20 be made only in accordance with the provisions of this chapter.

21 F. In applying an open space element or a growth element of a  
22 comprehensive plan a county shall not designate private or state land as open  
23 space, recreation, conservation or agriculture unless the county receives the  
24 written consent of the landowner or provides an alternative, economically  
25 viable designation in the general COMPREHENSIVE plan or zoning ordinance,  
26 allowing at least one residential dwelling per acre. If the landowner is the  
27 prevailing party in any action brought to enforce this subsection, a court  
28 shall award fees and other expenses to the landowner. EACH COUNTY SHALL  
29 INCORPORATE THIS SUBSECTION INTO ITS COMPREHENSIVE PLAN AND PROVIDE A PROCESS  
30 FOR A LANDOWNER TO RESOLVE DISCREPANCIES RELATING TO THIS SUBSECTION.

31 Sec. 5. Repeal

32 Section 41-511.15, Arizona Revised Statutes, is repealed.

33 Sec. 6. Section 41-2501, Arizona Revised Statutes, is amended to read:

34 41-2501. Applicability

35 A. This chapter applies only to procurements initiated after January  
36 1, 1985 unless the parties agree to its application to procurements initiated  
37 before that date.

38 B. This chapter applies to every expenditure of public monies,  
39 including federal assistance monies except as otherwise specified in section  
40 41-2637, by this state, acting through a state governmental unit as defined  
41 in this chapter, under any contract, except that this chapter does not apply  
42 to either grants as defined in this chapter, or contracts between this state  
43 and its political subdivisions or other governments, except as provided in  
44 chapter 24 of this title and in article 10 of this chapter. This chapter  
45 also applies to the disposal of state materials. This chapter and rules

1 adopted under this chapter do not prevent any state governmental unit or  
2 political subdivision from complying with the terms of any grant, gift,  
3 bequest or cooperative agreement.

4 C. All political subdivisions and other local public agencies of this  
5 state may adopt all or any part of this chapter and the rules adopted  
6 pursuant to this chapter.

7 D. The Arizona board of regents, the legislative and judicial branches  
8 of state government and the state compensation fund are not subject to the  
9 provisions of this chapter except as prescribed in subsection E of this  
10 section.

11 E. The Arizona board of regents and the judicial branch shall adopt  
12 rules prescribing procurement policies and procedures for themselves and  
13 institutions under their jurisdiction. The rules must be substantially  
14 equivalent to the policies and procedures prescribed in this chapter.

15 F. The Arizona state lottery commission is exempt from the provisions  
16 of this chapter for procurement relating to the design and operation of the  
17 lottery or purchase of lottery equipment, tickets and related materials. The  
18 executive director of the Arizona state lottery commission shall adopt rules  
19 substantially equivalent to the policies and procedures in this chapter for  
20 procurement relating to the design and operation of the lottery or purchase  
21 of lottery equipment, tickets or related materials. All other procurement  
22 shall be as prescribed by this chapter.

23 G. The Arizona health care cost containment system administration is  
24 exempt from the provisions of this chapter for provider contracts pursuant  
25 to section 36-2904, subsection A and contracts for goods and services  
26 including program contractor contracts pursuant to title 36, chapter 29,  
27 articles 2 and 3. All other procurement, including contracts for the  
28 statewide administrator of the program pursuant to section 36-2903,  
29 subsection B, shall be as prescribed by this chapter.

30 H. Arizona industries for the blind is exempt from the provisions of  
31 this chapter for purchases of finished goods from members of national  
32 industries for the blind and for purchases of raw materials for use in the  
33 manufacture of products for sale pursuant to section 41-1972. All other  
34 procurement shall be as prescribed by this chapter.

35 I. Arizona correctional industries is exempt from the provisions of  
36 this chapter for purchases of raw materials, components and supplies that are  
37 used in the manufacture or production of goods or services for sale entered  
38 into pursuant to section 41-1622. All other procurement shall be as  
39 prescribed by this chapter.

40 J. The state transportation board and the director of the department  
41 of transportation are exempt from the provisions of this chapter other than  
42 section 41-2586 for the procurement of construction or reconstruction,  
43 including engineering services, of transportation facilities or highway  
44 facilities and any other services that are directly related to land titles,  
45 appraisals, real property acquisition, relocation, property management or

1 building facility design and construction for highway development and that  
2 are required pursuant to title 28, chapter 20.

3 K. The Arizona highways magazine is exempt from the provisions of this  
4 chapter for contracts for the production, promotion, distribution and sale  
5 of the magazine and related products and for contracts for sole source  
6 creative works entered into pursuant to section 28-7314, subsection A,  
7 paragraph 5. All other procurement shall be as prescribed by this chapter.

8 L. The secretary of state is exempt from the provisions of this  
9 chapter for contracts entered into pursuant to section 41-1012 to publish and  
10 sell the administrative code. All other procurement shall be as prescribed  
11 by this chapter.

12 M. The provisions of this chapter are not applicable to contracts for  
13 professional witnesses if the purpose of such contracts is to provide for  
14 professional services or testimony relating to an existing or probable  
15 judicial proceeding in which this state is or may become a party or to  
16 contract for special investigative services for law enforcement purposes.

17 N. The head of any state governmental unit, in relation to any  
18 contract exempted by this section from the provisions of this chapter, has  
19 the same authority to adopt rules, procedures or policies as is delegated to  
20 the director pursuant to this chapter.

21 O. Agreements negotiated by legal counsel representing this state in  
22 settlement of litigation or threatened litigation are exempt from the  
23 provisions of this chapter.

24 P. The provisions of this chapter are not applicable to contracts  
25 entered into by the department of economic security with a provider licensed  
26 or certified by an agency of this state to provide child day care services  
27 or with a provider of family foster care pursuant to section 8-503 or 36-554,  
28 to contracts entered into with area agencies on aging created pursuant to the  
29 older Americans act of 1965 (P.L. 89-73; 79 Stat. 218; 42 United States Code  
30 sections 3001 through 3058ee) or to contracts for services pursuant to title  
31 36, chapter 29, article 2.

32 Q. The department of health services may not require that persons with  
33 whom it contracts follow the provisions of this chapter for the purposes of  
34 subcontracts entered into for the provision of the following:

35 1. Mental health services pursuant to section 36-189, subsection B.  
36 2. Services for the seriously mentally ill pursuant to title 36,  
37 chapter 5, article 10.

38 3. Drug and alcohol services pursuant to section 36-141.

39 4. Domestic violence services pursuant to title 36, chapter 30,  
40 article 1.

41 R. The department of health services is exempt from the provisions of  
42 this chapter for contracts for services of physicians at the Arizona state  
43 hospital.



1           S. Contracts for goods and services approved by the fund manager of  
2 the public safety personnel retirement system are exempt from the provisions  
3 of this chapter.

4           T. The Arizona department of agriculture is exempt from this chapter  
5 with respect to contracts for private labor and equipment to effect cotton  
6 or cotton stubble plow-up pursuant to rules adopted under title 3, chapter 2,  
7 article 1. On or before September 1 each year the director of the Arizona  
8 department of agriculture shall establish and announce costs for each acre  
9 of cotton or cotton stubble to be abated by private contractors.

10          U. The Arizona state parks board is exempt from the provisions of this  
11 chapter for purchases of guest supplies and items for resale such as food,  
12 linens, gift items, sundries, furniture, china, glassware and utensils for  
13 the facilities located in the Tonto natural bridge state park.

14          V. The Arizona state parks board is exempt from the provisions of this  
15 chapter for the purchase, production, promotion, distribution and sale of  
16 publications, souvenirs and sundry items obtained and produced for resale.

17          W. The Arizona state schools for the deaf and the blind are exempt  
18 from the provisions of this chapter when purchasing products through a  
19 cooperative that is organized and operates in accordance with state law if  
20 such products are not available on a statewide contract and are related to  
21 the operation of the schools or are products for which special discounts are  
22 offered for educational institutions.

23          X. Expenditures of monies in the morale, welfare and recreational fund  
24 established by section 26-153 are exempt from the provisions of this chapter.

25          Y. The state department of corrections is exempt from the provisions  
26 of this chapter for purchases of food commodities to be used in the  
27 preparation of meals for inmates and for the purchase of inmate store goods.  
28 All other procurement shall be as prescribed by this chapter.

29          Z. Notwithstanding section 41-2534, the director of the state  
30 department of corrections may contract with local medical providers in  
31 counties with a population of less than four hundred thousand persons  
32 according to the most recent United States decennial census for the following  
33 purposes:

34           1. To acquire hospital and professional medical services for inmates  
35 who are incarcerated in state department of corrections facilities that are  
36 located in those counties.

37           2. To ensure the availability of emergency medical services to inmates  
38 in all counties by contracting with the closest medical facility that offers  
39 emergency treatment and stabilization.

40          AA. The department of environmental quality is exempt from the  
41 provisions of this chapter for contracting for procurements relating to the  
42 water quality assurance revolving fund program established pursuant to title  
43 49, chapter 2, article 5. The department shall engage in a source selection  
44 process that is similar to the procedures prescribed by this chapter. The  
45 department may contract for remedial actions with a single selection process.

1 The exclusive remedy for disputes or claims relating to contracting pursuant  
2 to this subsection is as prescribed by article 9 of this chapter and the  
3 rules adopted pursuant to that article. All other procurement by the  
4 department shall be as prescribed by this chapter.

5 BB. The motor vehicle division of the department of transportation is  
6 exempt from the provisions of this chapter for third party authorizations  
7 pursuant to title 28, chapter 13, only if all of the following conditions  
8 exist:

9 1. The division does not pay any public monies to an authorized third  
10 party.

11 2. Exclusivity is not granted to an authorized third party.

12 3. The director has complied with the requirements prescribed in title  
13 28, chapter 13 in selecting an authorized third party.

14 CC. This section does not exempt third party authorizations pursuant  
15 to title 28, chapter 13 from any other applicable law.

16 DD. The state forester is exempt from the provisions of this chapter  
17 for purchases and contracts relating to wild land fire suppression and  
18 pre-positioning equipment resources and for other activities related to  
19 combating wild land fires and other unplanned risk activities, including  
20 fire, flood, earthquake, wind and hazardous material responses. All other  
21 procurement by the state forester shall be as prescribed by this chapter.

22 EE. EXPENDITURES OF MONIES IN THE ARIZONA AGRICULTURAL PROTECTION FUND  
23 ESTABLISHED BY SECTION 3-3304 ARE EXEMPT FROM THIS CHAPTER.

APPROVED BY THE GOVERNOR MAY 30, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 30, 2002.

HOUSE FINAL PASSAGE  
as per Joint Conference

Passed the House May 20, 2002,

by the following vote: 41 Ayes,

14 Nays, 5 Not Voting

John Elbert  
Speaker of the House  
Pro Tempore  
Thomas L. Moore  
Chief Clerk of the House

SENATE FINAL PASSAGE  
as per Joint Conference

Passed the Senate May 21, 2002,

by the following vote: 21 Ayes,

3 Nays, 6 Not Voting

Randall Anant  
President of the Senate  
Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 21 day of May, 2002,

at 1:17 o'clock P M.

Sandra Kay  
Secretary to the Governor

Approved this 30 day of

May, 2002,

at 1:23 o'clock P M.

Janice Hull  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30 day of May, 2002,

at 3:49 o'clock P M.

Rebecca Bayless  
Secretary of State

H.B. 2032